

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY OH and DEAN DaSUTA,

Plaintiffs,

- against -

**IMAGEMARK, INC., BERNARD MARDEN, JAMES
MARDEN, BRUCE ROSS, FRANK BISCONTI, and
THOM DEAN,**

Defendants.

**NOTICE OF MOTION TO
DISMISS**

Civil Action No: 06-CV-10187
(DLC)

PLEASE TAKE NOTICE that, upon the Affirmation of James W. Weller, dated January 16, 2007, and the exhibit annexed thereto, and the Memorandum of Law in Support of defendants' Motion to Dismiss dated January 16, 2007, defendants Imagemark, Inc., Bernard Marden, James Marden, Bruce Ross, Frank Bisconti, and Thom Dean, by their attorneys, will move this Court before the Honorable Denise L. Cote, at the courthouse located at 500 Pearl Street, New York, New York, on February 16, 2007 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order, pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b) dismissing all allegations of the complaint, together with such other and further relief as this court may deem just and proper.

Dated: January 16, 2007
Jericho, New York

NIXON PEABODY LLP

By: /s/
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